

1 MICHAEL J. ZINNA (*pro hac vice*)
mzinna@kelleydrye.com
2 LEE BRENNER (State Bar No. 180235)
lbrenner@kelleydrye.com
3 DAVID FINK (State Bar No. 169212)
dfink@kelleydrye.com
4 DAVID G. LINDENBAUM (*pro hac vice*)
dlindenbaum@kelleydrye.com
5 WHITNEY M. SMITH (*pro hac vice*)
wsmith@kelleydrye.com
6 KELLEY DRYE & WARREN LLP
101 Park Avenue
7 New York, New York 10178
Telephone 212-808-7800
8 Facsimile 973-503-5950

9 Attorneys for Plaintiff ZOMM, LLC

10 DAVID R. EBERHART (S.B. #195474)
deberhart@omm.com
11 LUANN L. SIMMONS (S.B. #203526)
lsimmons@omm.com
12 HANNAH Y. CHANOINE (*pro hac vice*)
hchanoine@omm.com
13 SINA ARIA (S.B. #287529)
saria@omm.com
14 O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
15 San Francisco, California 94111-3823
Telephone: +1 415 984 8700
16 Facsimile: +1 415 984 8701

17 Attorneys for Defendant
APPLE INC.

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **OAKLAND DIVISION**

21
22 ZOMM, LLC,

23 Plaintiff,

24 v.

25 APPLE INC.,

26 Defendant.
27
28

Case No. 4:18-cv-04969-HSG

**STIPULATED REQUEST AND
ORDER TO MODIFY BRIEFING
SCHEDULE FOR APPLE'S
MOTION TO DISMISS ZOMM'S NON-
PATENT CAUSE OF ACTION**

1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Zomm LLC (“Zomm”) and
2 Defendant Apple Inc. (“Apple”), by and through their undersigned counsel and subject to the
3 Court’s approval, hereby submit this stipulated request to modify the briefing schedule for
4 Apple’s Motion to Dismiss Zomm’s Non-Patent Cause of Action (“the Motion”).

5 WHEREAS, Zomm filed a Second Amended Complaint on July 17, 2019 (Dkt. No. 84);

6 WHEREAS, the Court previously granted the parties’ stipulation to extend the deadline
7 for Apple’s response to the Second Amended Complaint to August 21, 2019 (Dkt. No. 86);

8 WHEREAS, Apple filed the Motion on August 21, 2019, and noticed the Motion for
9 hearing on January 23, 2020 (Dkt. No. 88);

10 WHEREAS, pursuant to Civil Local Rule 7-3, Zomm’s opposition to the Motion would
11 be due on September 4, 2019, and Apple’s reply in support of the Motion would be due on
12 September 11, 2019;

13 WHEREAS, to accommodate both parties’ counsels’ work schedules and to account for
14 the Labor Day holiday and pre-planned vacations, the parties agreed to extend, subject to the
15 Court’s approval, the deadlines for Zomm’s opposition and Apple’s reply;

16 WHEREAS, the modification requested herein will not alter the date of any other event or
17 any deadline already fixed by Court order; and

18 WHEREAS, this is the first request the parties have made for an extension of time for
19 Zomm to file its opposition and Apple to file its reply.

20 It is hereby STIPULATED AND AGREED, by and between the parties, subject to the
21 approval of the Court, as follows:

- 22 1. Zomm will file its opposition to Apple’s Motion no later than September 25, 2019;
- 23 and
- 24 2. Apple will file its reply in support of its Motion no later than October 18, 2019.

25
26 Pursuant to Civil Local Rule 6-2(a), this stipulation is supported by the concurrently filed
27 Declaration of Luann L. Simmons.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO STIPULATED.

Dated: August 26, 2019

KELLEY DRYE AND WARREN LLP

By: /s/ Michael J. Zinna
Michael J. Zinna
Attorneys for Plaintiff
ZOMM, INC.

Dated: August 26, 2019

O'MELVENY & MYERS LLP

By: /s/ Luann L. Simmons
Luann L. Simmons
Attorneys for Defendant
APPLE INC.

FILER'S ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I hereby attest that the other signatory listed, on whose behalf the filing is submitted, concurs in the filing's content and has authorized the filing.

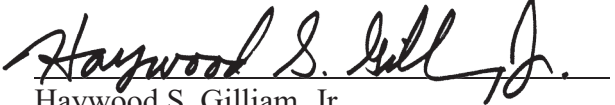
/s/ Luann L. Simmons
Luann L. Simmons

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: August 27, 2019


Haywood S. Gilliam, Jr.
United States District Court Judge